

# BIRCH, STEWART, KOLASCH & BIRCH, LLP

TERRELL C. BIRCH  
RAYMOND C. STEWART  
JOSEPH A. KOLASCH  
JAMES M. SLATTERY  
MICHAEL K. MUTTER  
CHARLES GORENSTEIN  
GERALD M. MURPHY, JR.  
LEONARD R. SVENSSON  
ANDREW D. MEIKLE  
MARC S. WEINER  
JOE MCKINNEY MUNCY  
ROBERT J. KENNEY  
JOHN W. BAILEY  
MARK J. NUELLE, PH.D.  
JAMES T. ELLER, JR.  
D. RICHARD ANDERSON  
THOMAS M. SMALL\*  
ROBERT A. SELDON\*  
JOHN A. SCILLIERI\*  
SANFORD ASTOR\*

OF COUNSEL:  
HERBERT M. BIRCH (1905-1996)  
BERNARD L. SWEENEY\*  
ELLIOT A. GOLDBERG\*  
WILLIAM L. GATES\*  
EDWARD H. VALANCE  
RUPERT J. BRADY (RET.)\*  
F. PRINCE BUTLER  
FRED S. WHISENHUNT (RET.)  
JAMES W. HELLWEGE  
QUENTIN R. "RICK" CORRIE  
ROBERT F. GNUSE  
DAVID R. MURPHY  
PHILIP K. YU\*  
ROBERT M. ASHEN  
MICHAEL R. CAMMARATA

\*ADMITTED TO A BAR OTHER THAN VA.

INTELLECTUAL PROPERTY LAW  
8110 GATEHOUSE ROAD  
SUITE 500 EAST  
FALLS CHURCH, VA 22042-1210  
USA  
(703) 205-8000

FAX: (703) 205-8050  
(703) 698-8590 (G IV)

e-mail: mailroom@bskb.com  
web: http://www.bskb.com

CALIFORNIA OFFICES:  
COSTA MESA, CALIFORNIA  
LOS ANGELES, CALIFORNIA

SCOTT L. LOWE  
PAUL C. LEWIS  
RICHARD GALLAGHER  
MARYANNE ARMSTRONG, PH.D.  
KECIA J. REYNOLDS  
KALPANA REDDY  
ESTHER H. CHONG  
CATHERINE M. VOISINET\*  
EUGENE T. PEREZ  
CAROLYN T. BAUMGARDNER\*  
MARTIN R. GEISSLER\*  
J. ALISON GRABELL\*  
T. BENJAMIN SCHROEDER, PH.D.  
PERCY L. SQUARE  
HYUNG SOHN  
CLINT A. GERDINE  
CRAIG A. MCROBBIE

REG. PATENT AGENTS:  
FREDERICK R. HANDREN  
MAKI HATSUMI  
GARTH M. DAHLEN, PH.D.  
ROBERT E. GOOZNER, PH.D.  
KRISTI L. RUPERT, PH.D.  
MATTHEW T. SHANLEY  
SUSAN W. GORMAN, PH.D.  
ROBERT W. DOWNS  
CHAD J. BILLINGS  
CHRISTINE V. CASTILLO  
CARL T. THOMSEN  
SAM BHATTACHARYA  
BRADLEY C. FACH

Date: August 5, 2003

Docket No.: 1190-0576P

## MS PATENT APPLICATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a Request for filing a ☐ continuation ☒ divisional ☐ continuation-in-part application under 37 C.F.R. § 1.53(b) of pending prior Application No. 10/263,905 filed on October 4, 2002, which is a Divisional of Application No. 09/824,228 filed on April 3, 2001 and issued on March 4, 2003 as U.S. Patent 6,529,451, which is a Divisional of Application No. 09/708,578, filed on November 9, 2000 and issued on August 13, 2002 as U.S. Patent No. 6,434,099, which is a Divisional of 09/541,695 filed April 3, 2000 and issued on February 25, 2003 as U.S. Patent No. 6,526,019, which is a Divisional of Application No. 09/433,023, filed on November 3, 1999 and issued on May 8, 2001 as U.S. Patent No. 6,229,784, which is a Divisional Application of 09/335,050 filed on June 16, 1999 and issued on November 21, 2000 as U.S. Patent No. 6,151,292, which is a Divisional Application of Application No. 09/148,798 filed on September 4, 1998 and issued on September 14, 1999 as U.S. Patent No. 5,953,309, which is a Divisional Application of Application No. 08/914,782, filed August 20, 1997 and issued on October 20, 1998 as U.S. Patent No. 5,825,728, which is a Divisional Application of Application No. 08/718,263, filed on September 20, 1996 and issued on February 10, 1998 as U.S. Patent No. 5,717,683, which is a Divisional Application of Application No. 08/128,193, filed September 29, 1993 and issued on January 7, 1997 as U.S. Patent No. 5,592,452,



the entire contents of which are hereby incorporated by reference,

by

Kyosuke YOSHIMOTO, M.C. RAO, Hiroyuki OHATA, Kazuhiko NAKANE,  
Teruo FURUKAWA, Junichi KONDO and Masafumi OTOTAKE

for

OPTICAL DISK AND OPTICAL DISK DRIVE DEVICE

1. ☒ Enclosed is an application consisting of specification, claims, declaration and drawings (if applicable).
2. ☒ The filing fee has been calculated as follows:

			LARGE ENTITY	SMALL ENTITY
BASIC FEE			\$750.00	\$370.00
	NUMBER FILED	NUMBER EXTRA	RATE FEE	RATE FEE
TOTAL CLAIMS	2-20 =	0	x 18 =\$0.00	x 9 = \$0.00
INDEPENDENT CLAIMS	2-3 =	0	x 84 =\$0.00	x 42 = \$0.00
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS PRESENTED			0.00	0.00
TOTAL			\$750.00	\$0.00

3. ☒ A check in the amount of \$750.00 to cover the filing fee and recording fee (if applicable) is enclosed.
4. ☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this request is enclosed.
5. ☒ Enclosed are twenty-seven (27) sheets of formal drawings.
- 6a. ☐ A statement claiming small entity status was filed in prior Application No. 09/824,228 on \_\_\_\_\_. See the attached copy of the statement claiming small entity status.

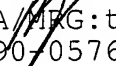
- 6b. ☐ The current application qualifies for small entity status.
7. ☒ The prior application is assigned to Mitsubishi Denki Kabushiki Kaisha.
8. ☒ A Preliminary Amendment is enclosed.
- 9a. ☒ Priority of Application No(s). 4-265893, 4-272673, 4-325319, and 5-238354 filed in Japan on October 5, 1992, October 12, 1992, December 4, 1992 and September 24, 1993, respectively is/are claimed under 35 U.S.C. § 119. See attached copy of the Letter claiming priority filed in the prior application on March 31, 1994.
- 9b. ☐ Priority of International Appln. \_\_\_\_\_ filed on \_\_\_\_\_ under the Patent Cooperation Treaty and \_\_\_\_\_ Application No. \_\_\_\_\_ filed in \_\_\_\_\_ on \_\_\_\_\_ under 35 U.S.C. § 119 are hereby reclaimed.
10. ☒ An Information Disclosure Statement and PTO-1449 forms are attached hereto for the Examiner's consideration.
11. ☒ Address all future communications to:  
  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
P.O. Box 747  
Falls Church, VA 22040-0747  
Telephone: (703) 205-8000  
  
**or**  
Customer No. 2292
12. ☐ An extension of time for \_\_\_\_\_ ( ) month(s) until \_\_\_\_\_ has been submitted in parent Application No. 09/824,228 in order to establish co-pendency with the present application.
13. ☐ Also enclosed herewith is the following:  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

  
By D. Richard Anderson, #40,439

  
DRA/REG:tm:ndb  
1190-0576P

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

Attachment: Specification (50 pages)  
Drawings (27 Sheets)  
Copy of Priority Letter dated March 31, 1994  
IDS and PTO-1449  
Copy of Japanese Language Declaration of 10/93  
Preliminary Amendment  
Check No. 9004929